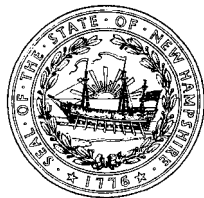


THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Graham J. Morrison
Clifton C. Below

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

June 23, 2006

To: All Parties

Re: DM 05-172 Investigation into Utility Poles

Attached please find the follow-up Data Requests for Topic 3 discussed during the June 9, 2006 technical session in the above referenced matter.

Responses to the attached requests are due on Friday, August 4, 2006. Objections to the Data Requests, if any, are due within 10 days of receipt of the requests; accordingly, objections are due on Monday, July 3, 2006. Copies of all response documents should be distributed to all parties listed on the discovery portion of the service list.

Thank you in advance for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Fabrizio".

Lynn Fabrizio
Staff Attorney

Attachments

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSISON
STAFF DATA REQUESTS**

DT 05-172

INVESTIGATION INTO UTILITY POLES

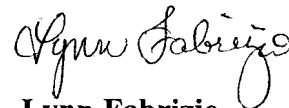
Now comes the Public Utilities Commission Staff and respectfully requests responses to the attached data requests in writing.

Pursuant to N.H. RSA 365:10, 365:14, 365:15 and 365:19, the Commission shall have the power to obtain data and documents necessary to the performance of its duties as they are prescribed by law.

You are hereby requested to supply the Commission with the data and/or documents delineated in the attached data requests. If you are unable or unwilling to produce a response to a particular request, you must nonetheless provide a written response and state the basis for the inability or unwillingness to furnish the requested information. RSA 365:12 provides that willful failure to comply with this request will subject you to contempt proceedings in Superior Court pursuant to N.H. RSA 491:19 and 491:20.

Please provide copies of all documents produced to all parties listed on the discovery portion of the service list. If you seek confidential treatment of any response, please make your request and state your justification for confidential treatment in writing, in accordance with RSA 378:43, II for telecommunications utilities and RSA 91-A:5, IV for all other parties.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lynn Fabrizio".

**Lynn Fabrizio
Staff Attorney**

Dated: 06/23/06

DATA REQUESTS OF N.H. PUBLIC UTILITIES COMMISSION STAFF

INSTRUCTIONS

- 1. All responses to the attached discovery requests shall be made in writing.**
- 2. For the purposes of these requests, "document" as used herein, is defined as any writing of every kind in the possession, custody or control of the Company, including but not limited to letter, facsimiles, minutes and records of meetings, memoranda, reports, notes, maps, recordings, transcripts, records of telephone or other communications, vouchers, and other accounting records, lists, engineering studies, rate studies, and economic studies, computer files.**
- 3. For each response, please identify the individual responsible for the information provided.**
- 4. Please start each response on a separate page.**
- 5. If the Company has no "document" (study, report, etc.) which is responsive in any way to any portion of a data request, please so indicate. In addition, please identify the person who determined that no such "document" exists.**
- 6. If requested data is duplicative of that furnished in response to another data request, please identify the response wherein the information is contained.**
- 7. If you find a request to be unclear or imprecise, please request clarification, by telephone, to the Staff member who forwarded these requests as soon as possible.**

DM 05-172

Topic 3 Follow-up Data Requests from the 6/9/06 tech session

4-4A) VZ – Following up on responses to Staff 4-4 Revised, some of the municipalities responded that they have a long-standing practice of using space on the poles for municipal purposes. Some municipalities responded that they have copies of pole licenses from the late 19th or early 20th centuries that specifically reserve space on the poles for municipal purposes, but many municipalities do not have municipal records that go that far back. Does Verizon possess any pole licenses that reserve space for municipal purposes on poles? If so, please provide representative copies of any such pole licenses, by municipality, that reserved space for municipal purposes on the pole.

4-4B) Municipalities – Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that municipalities are entitled to attach or place wires on or in utility-owned poles and conduit, respectively, without payment of attachment or conduit fees. If this is the position followed by your municipality, please explain your position in detail.

4-4C) Municipalities – Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that municipalities are entitled to attach or place its wires on or in utility-owned poles and conduit, respectively, without payment of make-ready, engineering or survey costs associated with the attachment or placement of its wires on utility owned poles and conduit, respectively. If this is the position followed by your municipality, please explain your position in detail.

4-4D) Municipalities - Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that existing attachers, including the utility that owns the pole, are required to bear costs for make-ready (rearrangements, etc.) if modifications to poles are caused by a municipality's request to attach its wires. If this is the position followed by your municipality, please explain your position in detail.

4-4E) Municipalities - Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that utilities should or are required to reserve space on poles for municipal use. If this is the position followed by your municipality, please explain your position in detail, including how this is not discriminatory under federal law relative to other attachers.

4-4F) Municipalities - Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that utilities can require telecommunications and cable television pole attachers to remove or rearrange their wires without at least 60 days prior written notice, absent an emergency situation for which advance written notice is

impractical. If this is the position followed by your municipality, please explain your position in detail.

4-4G) Municipalities – Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that municipalities are not counted as attachers for purposes of apportioning the cost of unusable space under the FCC's pole-attachment rate formula applicable to telecommunications carriers. If this is the position followed by your municipality, please explain your position in detail.

4-4H) Municipalities - Please list the attachment rates per solely-owned and jointly-owned utility poles per year that you pay or have paid to utilities in New Hampshire, identifying the specific rates for each utility. Similarly, please also list the conduit rates per utility that you pay or have paid.

4-4I) Municipalities - Please provide copies of any municipal by-laws, rules and/or other related documents, as well as citations to rules, regulations, statutes or FCC and NHPUC orders that support the position that the FCC prohibits utilities from charging municipalities or individual parties for relocating poles, whether temporarily or permanently, when done at the municipality's or individual's request. If this is the position followed by your municipality, please explain your position in detail.

4-5A) Municipalities – Please describe what types of communication cable(s) you are running in the municipal space and their use, other than from traditional fire/police signal cable.

4-6A) VZ – In your response to Staff 4-6 you stated that unauthorized attachments that do not conform to Verizon's pole attachment agreement must be removed. In your response to Staff 4-10 you stated that "Verizon New Hampshire does not keep records of municipalities that have one-way, low-voltage police and fire signaling circuits attached to Verizon NH's solely owned, joint owned or joint use poles." Are the wires and signaling circuits referenced in your Response to Staff 4-10 considered authorized by Verizon, in spite of the fact that no pole attachment agreements have been executed with most municipalities, and Verizon does not keep records of which municipalities have such wire?

4-6B) NHDOT - Please provide any procedures and actual practices that guide the State of New Hampshire or its subcontractors when placing, replacing, maintaining and repairing communication equipment for intra-governmental purposes on poles.

4-8A) Electrics & VZ – Do tri-company ownership agreements / IOPs exist between the parties when an electric company, Verizon and an Independent Telephone Company (ITC) occupy a pole? If so, please provide a copy of a tri-company Joint Operating Agreement and IOP involving Verizon, an electric company and an ITC.

4-8B) VZ – Please explain the relative attachment positions of Verizon cable and the cable of an ITC on a tri-party pole as described in DR 4-8A above. Is Verizon always

attached below the ITC? Does it vary depending on whose franchised exchange a pole is sitting in, who has attached first or for any other reason? Please explain the standard practice.

4-8C) VZ – If an ITC is considered a licensee on a Verizon pole, or Verizon is treated as a licensee on an ITC pole, does the pole owner dictate the relative attachment position of the licensee on that pole?

4-8D) VZ – If an ITC, as a licensee, needs to attach to a pole Verizon jointly owns with an electric company, does Verizon require the ITC to pay for Verizon to lower its attachments on the pole to make room for the ITC's facilities? If Verizon, as a licensee, needs to attach to a pole the ITC jointly owns with an electric company, is Verizon required to pay the ITC to lower its attachments to make room for Verizon's facilities or is Verizon able to run below the ITC in this case?

4-13A) VZ - Following up on Response to Staff 4-13, please provide policy and procedure for a municipality that already has equipment on a pole to over lash cable or wire to its own existing equipment on the pole.

4-19A) VZ - Following up on Response to Staff 4-19, please clarify the number of engineers dedicated to managing NH DOT road work and larger municipal projects. Is one engineer assigned to each project or is one engineer assigned to cover all projects?

4-21A) Electrics, VZ, NHDOT – Please provide a list of all NHDOT public work projects in which your organization was involved and in which pole plant required relocation from January 1, 2005 to present. Please include projects that were ongoing on January 1, 2006 and projects yet to be finished. Please identify each project by location (street and town); by State project number; and by your assigned job number. To the extent delays were incurred in each project, please briefly state the length of such delays and the reasons for them.

4-21B) Electrics, VZ - Please provide the detailed information requested below for each of the following NHDOT Projects:

- A. State Project 11339 Us Route 302 and US Route 16 Road Reconstruction, Conway
- B. State Project 10622 *et al*, Improvements at Exit 5, Granite St, Manchester including Allard Drive, Turner St, and FE Everett Turnpike
- C. State Project 14025 *et al*, Granite Street Improvements, Manchester
- D. State Project 12328, Manchester Candia Rd Road Rehabilitation from I-93 to NH Route 28 Bypass
- E. State Project 12359, Plaistow-Atkinson NH Route 121 Bridge Replacement over Little River and B&M Railroad
- F. State Project 11238E Newington NH, Route 16 and Route 4 and Spaulding Turnpike Reconfiguration and Relocation of Ramps and Access Roads
- G. State Project 11847, Warren Wentworth Route 25 Bridge replacement over Baker River

- H. State Project 12361 US Route 3 Bridge Replacement over Suncook River and Bridge Approaches, Allenstown & Pembroke
- I. State Project 12537, US Route 3 near 28 Bypass (Londonderry Tpke) Hooksett
- J. State Project 11849 Holderness –Plymouth, NH Route 175A, Replacement of Bridge over the Pemigewasset River and Railroad Crossing
- K. State Project 12322 Claremont

Please provide the following information for each of the above-listed projects:

1. Internally assigned job number or work order number
2. Approximate number of poles involved
3. Estimate of time (commitment) submitted to NHDOT as to the total required amount of time to relocate your plant in weeks. Provide breakdown of time, where possible, for pole relocations, removal of poles no longer necessary, installation of new wires, lead times involved in ordering materials, temporary work, project phasing, and other known conditions at project start.
4. Actual time required to complete your relocation
5. Actual time spent on ongoing projects to date in weeks
6. Estimated time remaining on ongoing projects in weeks
7. Explanation of reasons, extenuating circumstances for requiring additional weeks to complete your work
8. Number of calls or written correspondence made by the utility and NHDOT or contractors working on behalf of NHDOT associated with any delays.
9. When you reviewed completed jobs to determine why additional time was required, what steps, if any, did you take to prevent an underestimation of time required to complete your work on future NHDOT projects?
10. Please provide the number of weeks that projects, if any, were completed ahead of schedule.

4-21C) Electric, VZ, NHDOT, Municipalities – Please describe how scheduling changes for public works projects are recorded and tracked by your organization. Please provide sample documentation from a job completed after January 1, 2005.

4-21D) VZ - Following up on Response to Staff 4-21, in your response, you noted that Verizon seeks assistance from municipalities working cooperatively with utilities to resolve issues such as “private property road blocks relating to the location of supporting structure, tree trimming and working with all utilities in resolving conflicts...” Would you define the terms in your statement in more detail so that we might understand how the municipalities might assist Verizon with regard to private property issues?

4-22A) VZ - Following up on Response to Staff 4-22, other than placing or replacing a pole in the same or approximately the same location, pursuant to RSA 231:171, does your company notify and/or seek permission from municipalities for access to the municipal right-of-way for emergency and routine maintenance of equipment in the right of way?

4-23A) VZ - Following up on Response to Staff 4-23 and 4-10, you responded that all communications with municipalities with equipment on the poles in the communication

space are conducted pursuant to the information provided in the pole attachment agreement executed with Verizon. For those municipalities with equipment on the poles for which Verizon does not maintain any record, noted in your Response to Staff 4-10, please provide your procedures and actual practices for communicating with those municipalities that have equipment on the poles but no pole attachment agreement.